UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,855	12/05/2001	Tomoaki Itoh	5077-000076	8889

27572	7590	02/07/2006

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
TIV, BACKHEAN

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/006,855	ITOH ET AL.
	Examiner	Art Unit	
	Backhean Tiv	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 November 2005</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>3-9 and 11</u> is/are pending in the application.

　　4a) Of the above claim(s) <u>1,2 and 10</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>3-9 and 11</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date <u>11/05</u>.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Detailed Action

Claims 3-9,11 are pending in this application. The applicant has cancelled

claims 1,2,10. This is a response to the Amendment/Remarks filed on 11/23/05.

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35

U.S.C. 119(a)-(d).

Information Disclosure Statement

The IDS filed 11/23/05 have been considered. However, "Notice of Reasons of

Rejection dated 8/13/04" was not considered since there is no English translation. Also

RFC 2326, "Real Time Streaming Protocol", was not considered because the applicant

has not submitted a copy of the Non-Patent Literature.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-9,11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US Patent 5,784,527 issued to Ort in view of US Patent 6,003,084 issued to Green et

al.(Green).

As per claim 3, 11, Ort teaches a data receiving terminal for receiving and
reproducing data sent from a server(Abstract), comprising:

data receiving means for receiving data having time stamps indicating
reproduction order(col.14, lines 56-col.15, lines 8);

decoding means for decoding data received by the data receiving means in the
order of the time stamps, and outputting the time stamps of the decoded data(col.7,
lines 1-48, col.14, lines 56-col.15, lines 8); memory for storing stamp stamp (col.2, lines
36-65,col.7, lines 1-46); display means for displaying the data decoded by the decoding
means(col.7, lines 26-44); timestamp stored in memory(Abstract, col.14, lines 56-col.15,
lines 8); memory management means for managing that the time stamp outputted by
the decoding means replaces a time stamp corresponding to the connection address
during connection in the memory(col.2, lines 36-65,col.7, lines 1-46).

Ort however does not explicitly teach a memory for storing at least connection;
user input means for analyzing an external operation, and outputting at least a
connection address; connection address detection means for detecting whether the
connection address outputted by the user input means is stored in the memory;
connection request creation means for creating a connection request requesting the
server to send data, based on the connection address outputted from the user input
means, the detection result from the connection address detection means, and the
connection stored in the memory; and message sending/receiving means for sending
the connection request created by the connection request creation means to the server,

and processing the response from the server; a memory for storing at least connection address.

Green teaches a memory for storing at least connection(Abstract,); user input means for analyzing an external operation, and outputting at least a connection address(Abstract, col.2, lines 49-67); connection address detection means for detecting whether the connection address outputted by the user input means is stored in the memory(Abstract, col.5, lines 15-67); connection request creation means for creating a connection request requesting the server to send data, based on the connection address outputted from the user input means, the detection result from the connection address detection means, and the connection stored in the memory(Abstract, col.5, lines 15-67); and message sending/receiving means for sending the connection request created by the connection request creation means to the server, and processing the response from the server(Abstract, col.5, lines 15-67); a memory for storing at least connection address(Abstract, col.5, lines 15-67).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Ort of storing timestamps in memory and to stream data   to connect a user to a server using an address and to store address in memory as taught by Green in order to connect a user to a server.

One ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Ort and Green in order to provide a system to transmit audio or video data from a server to a user.

As per claim 4, the data receiving terminal according to claim 3, wherein, if the connection address detection means has detected in the memory the connection address indicated by the user input means, the connection request creation means requests the sending of data from a data position indicated by the time stamp corresponding to this connection address(Green, Abstract, col.5, lines 15-67 and Ort, col.7, lines 1-48, col.14, lines 56-col.15, lines 8). Motivation to combine set forth in claim 3.

As per claim 5, the data receiving terminal according to claim 3, wherein the user input means further analyzes external operation and outputs a selection signal in response to a message; wherein, if the connection address detection means has detected in the memory the connection address indicated by the user input means, the connection request creation means displays a message with the display means asking to decide whether to request the sending of data from the time stamp with respect to that connection address, and creates a connection request to the server based on a selection signal with regard to the message outputted from the user input means(Green, Abstract, col.5, lines 15-67 and Ort, col.7, lines 1-48, col.14, lines 56-col.15, lines 8). Motivation to combine set forth in claim 3.

As per claim 6, the data receiving terminal according to claim 3, wherein the memory stores as a group at least an active flag indicating whether content is being received, the connection address(Green, Abstract), and the time stamp(Ort, Abstract); and wherein, when the time stamp is outputted by the decoding means, the memory management means detects, of the active flags stored in the memory(Ort, col.7, lines 1-

46), an active flag indicating that content is being received, and replaces the time stamp

corresponding to this active flag indicating that content is being received(Ort, col.7, lines

1-46). Motivation to combine set forth in claim 3.

As per claim 7, the data receiving terminal according to claim 3, wherein the

memory stores as a group at least a reproduction termination flag indicating content that

has been reproduced to the end, the connection address, and the time stamp(Ort,

Abstract, col.7, lines 1-44, col.2, lines 36-65); and wherein, if the reproduction

termination flag with respect to a connection address in the memory outputted from the

user input means indicates that reproduction has terminated, then the connection

request creation means creates a connection request that requests sending of data

from the beginning of that connection address(Green, Abstract, col.5, lines 15-67).

Motivation to combine set forth in claim 3.

As per claim 8, the data receiving terminal according to claim 3, wherein every

time that intra-coded data is decoded, the decoding means outputs a time stamp of

those data to the memory management means(Ort, col.7, lines 1-44).

As per claim 9, the data receiving terminal according to claim 3, further

comprising a receiving situation reporting means that operates when connected to the

server, and that regularly sends receiving reports indicating that data have been

received, and receives sending reports sent by the server and indicating that data have

been sent(Ort, col.2, lines 35-65,col.4, lines 59-col.5, lines 67); wherein, if the receiving

situation reporting means does not receive a sending report sent by the server within a

predetermined time, then it outputs a signal indicating that a region in which data cannot

be received has been entered(Ort, col.2, lines 35-65,col.4, lines 59-col.5, lines 67).

Claims 3-9,11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US Patent 5,784,527 issued to Ort in view of US Patent 6,356,541 issued to Muller et al.

(Muller).

As per claim 3, 11, Ort teaches a data receiving terminal for receiving and

reproducing data sent from a server(Abstract), comprising:

data receiving means for receiving data having time stamps indicating

reproduction order(col.14, lines 56-col.15, lines 8);

decoding means for decoding data received by the data receiving means in the

order of the time stamps, and outputting the time stamps of the decoded data(col.7,

lines 1-48, col.14, lines 56-col.15, lines 8); memory for storing stamp stamp (col.2, lines

36-65,col.7, lines 1-46); display means for displaying the data decoded by the decoding

means(col.7, lines 26-44); timestamp stored in memory(Abstract, col.14, lines 56-col.15,

lines 8); memory management means for managing that the time stamp outputted by

the decoding means replaces a time stamp corresponding to the connection address

during connection in the memory(col.2, lines 36-65,col.7, lines 1-46).

Ort however does not explicitly teach a memory for storing at least connection;

user input means for analyzing an external operation, and outputting at least a

connection address; connection address detection means for detecting whether the

connection address outputted by the user input means is stored in the memory;

connection request creation means for creating a connection request requesting the

server to send data, based on the connection address outputted from the user input

means, the detection result from the connection address detection means, and the

connection stored in the memory; and message sending/receiving means for sending

the connection request created by the connection request creation means to the server,

and processing the response from the server; a memory for storing at least connection

address.

Muller teaches a memory for storing at least connection(Abstract); user input

means for analyzing an external operation, and outputting at least a connection

address(Abstract, col.2, lines15-50); connection address detection means for detecting

whether the connection address outputted by the user input means is stored in the

memory(Abstract, col.2, lines15-50); connection request creation means for creating a

connection request requesting the server to send data, based on the connection

address outputted from the user input means, the detection result from the connection

address detection means, and the connection stored in the memory(Abstract, col.2,

lines15-50); and message sending/receiving means for sending the connection request

created by the connection request creation means to the server, and processing the

response from the server(Abstract, col.2, lines15-50); a memory for storing at least

connection address(Abstract, col.2, lines15-50).

Therefore it would have been obvious to one ordinary skill in the art at the time of

the invention to modify the teachings of Ort of storing timestamps in memory and to

stream data to connect a user to a server using an address and to store address in

memory as taught by Muller in order to connect a user to a server.

One ordinary skill in the art at the time of the invention would have been

motivated to combine the teachings of Ort and Muller in order to provide a system to

transmit audio or video data from a server to a user.

As per claim 4, the data receiving terminal according to claim 3, wherein, if the

connection address detection means has detected in the memory the connection

address indicated by the user input means, the connection request creation means

requests the sending of data from a data position indicated by the time stamp

corresponding to this connection address(Ort, col.7, lines 1-48, col.14, lines 56-col.15,

lines 8, and Muller, col.2, lines 15-50). Motivation to combine set forth in claim 3.

As per claim 5, the data receiving terminal according to claim 3, wherein the user

input means further analyzes external operation and outputs a selection signal in

response to a message; wherein, if the connection address detection means has

detected in the memory the connection address indicated

by the user input means, the connection request creation means displays a message

with the display means asking to decide whether to request the sending of data from the

time stamp with respect to that connection address, and creates a connection request to

the server based on a selection signal with regard to the message outputted from the

user input means(Muller, col.2, lines 15-50and Ort, col.7, lines 1-48, col.14, lines 56-

col.15, lines 8). Motivation to combine set forth in claim 3.

As per claim 6, the data receiving terminal according to claim 3, wherein the memory stores as a group at least an active flag indicating whether content is being received, the connection address(Muller, Abstract), and the time stamp(Ort, Abstract); and wherein, when the time stamp is outputted by the decoding means, the memory management means detects, of the active flags stored in the memory(Ort, col.7, lines 1-46), an active flag indicating that content is being received, and replaces the time stamp corresponding to this active flag indicating that content is being received(Ort, col.7, lines 1-46). Motivation to combine set forth in claim 3.

As per claim 7, the data receiving terminal according to claim 3, wherein the memory stores as a group at least a reproduction termination flag indicating content that has been reproduced to the end, the connection address, and the time stamp(Ort, Abstract, col.7, lines 1-44, col.2, lines 36-65); and wherein, if the reproduction termination flag with respect to a connection address in the memory outputted from the user input means indicates that reproduction has terminated, then the connection request creation means creates a connection request that requests sending of data from the beginning of that connection address(Muller, col.2, lines 15-50). Motivation to combine set forth in claim 3.

As per claim 8, the data receiving terminal according to claim 3, wherein every time that intra-coded data is decoded, the decoding means outputs a time stamp of those data to the memory management means(Ort, col.7, lines 1-44).

As per claim 9, the data receiving terminal according to claim 3, further comprising a receiving situation reporting means that operates when connected to the

server, and that regularly sends receiving reports indicating that data have been

received, and receives sending reports sent by the server and indicating that data have

been sent(Ort, col.2, lines 35-65,col.4, lines 59-col.5, lines 67); wherein, if the receiving

situation reporting means does not receive a sending report sent by the server within a

predetermined time, then it outputs a signal indicating that a region in which data cannot

be received has been entered(Ort, col.2, lines 35-65,col.4, lines 59-col.5, lines 67).

Response to Arguments

Applicant's arguments filed 11/23/05 have been fully considered but they are not

persuasive. The applicant argues in substance:

a) Ort does not teach request or receive from a server a reproduction from an

intermediate portion of a data stream.

In reply to a);In response to applicant's argument that the references fail to show

certain features of applicant's invention, it is noted that the features upon which

applicant relies (i.e., request or receive from a server a reproduction from an

intermediate portion of a data stream) are not recited in the rejected claim(s). Although

the claims are interpreted in light of the specification, limitations from the specification

are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057

(Fed. Cir. 1993). Ort does teach,col.7, lines 20-25 col.14, line 56- col.15, line 8, the

playback of MPEG files based on time stamps.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571)272-3941. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Backhean Tiv
2151
2/1/06

ZARNI MAUNG
'PERVISORY PATENT EXAMINER